

[COUNSEL LISTED ON SIGNATURE PAGE]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

PORTO TECHNOLOGY CO., LTD.,

Plaintiff,

v.

MOTOROLA MOBILITY LLC

Defendant.

Case No. 4:16-CV-01427-JSW

PORTO TECHNOLOGY CO., LTD.,

Plaintiff,

v.

LG ELECTRONICS MOBILECOMM
U.S.A., INC.

Defendant;

Case No. 4:16-CV-01428-JSW

PORTO TECHNOLOGY CO., LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS AMERICA,
INC.

Defendant;

Case No. 4:16-CV-01429-JSW

STIPULATION AND ~~PROPOSED~~ ORDER
TO STAY LITIGATION

CASE NOS. 16-CV-01427-JSW;
16-CV-01428-JSW; 16-CV-01429-JSW;
16-CV-01510-JSW

1 PORTO TECHNOLOGY CO., LTD.,

2 Plaintiff,

3 v.

4 HTC AMERICA, INC.

5 Defendant;

Case No. 4:16-CV-01510-JSW

STIPULATION AND ~~PROPOSED~~
ORDER TO STAY LITIGATION
AND LIFTING CONSOLIDATION

28 STIPULATION AND ~~PROPOSED~~ ORDER
TO STAY LITIGATION

Pursuant to Local Rule 7-12, Defendants Samsung Electronics America, Inc., LG Electronics Mobilecomm U.S.A., Inc., Motorola Mobility LLC, and HTC America, Inc. (collectively “Defendants”) and Plaintiff Porto Technology LLC (“Porto”) submit this stipulated request for an order staying their respective litigations pending issuance of a final written decision by the United States Patent and Trademark Office (“USPTO”) on the petitions for *inter partes* review filed by Google, Inc. (“Google”) of U.S. Patent Nos. 6,233,518 and 6,532,413 (collectively, the “Patents-in-Suit”) and the resolution of all appeals from those final written decisions.

WHEREAS, on October 13, 2016, Google filed petition Nos. IPR2016-00022 and IPR2016-00045 for *inter partes* review of each of the Patents-in-Suit;

WHEREAS, on April 25, 2016, the USPTO instituted Google’s petitions for *inter partes* review of all of the asserted claims of each of the Patents-in-Suit;

WHEREAS, the USPTO is required under 35 U.S.C. § 316 to issue a final written decision within 1 year of institution, which may be extended by no more than 6 months;

WHEREAS each of these actions was transferred from the Eastern District of Texas to the Northern District of California in March 2016;

WHEREAS an Initial Case Management Conference in this Court has not taken place, and is scheduled for June 24, 2016;

WHEREAS, the parties wish to suspend the deadlines adopted by the Court (Dkt. No. 123) and stay the present litigations;

NOW THEREFORE IT IS HEREBY STIPULATED by the parties, through their respective counsel, that the present litigations are stayed pending exhaustion of all of Google’s petitions for *inter partes* review of the Patents-in-Suit, including issuance of final written decisions by the USPTO and resolution of all appeals to all final written decisions. The parties agree that within 30 days of exhaustion of the last of Google’s petitions for *inter partes* review, the parties shall submit a joint notice to the Court informing the Court of the results of the petitions.

1 IT IS SO STIPULATED

2 Dated: May 26, 2016

By: /s/ David S. Almeling
David S. Almeling

3
4 DARIN W. SNYDER (S.B. #136003)
dsnyder@omm.com
5 DAVID S. ALMELING (S.B. #235449)
dalmeling@omm.com
6 MARK LIANG (S.B. #278487)
mliang@omm.com
7 BILL TRAC (S.B. #281437)
btrac@omm.com
8 O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, California 94111
9 (415) 984-8700/Fax: (415) 984-8701

10 MISHIMA ALAM (S.B. #271521)
O'MELVENY & MYERS LLP
11 1625 Eye Street, NW
Washington, DC 20006
12 (202) 383-5300/Fax: (202) 383-5414

13 *Attorneys for Defendants*
14 SAMSUNG ELECTRONICS AMERICA, INC.,
LG ELECTRONICS MOBILECOMM U.S.A.,
15 INC., and
MOTOROLA MOBILITY LLC

16 By: /s/ Fred I. Williams
Fred. I Williams

17
18 Fred Irvin Williams (*pro hac vice*)
Mario A. Apreotesi (*pro hac vice*)
19 **Akin Gump Strauss Hauer & Feld - Austin**
300 West 6th St, Suite 1900
20 Austin, TX 78701
Telephone: 512.499.6218
21 Fax: 512.499.6290
Email: fwilliams@akingump.com
22 Email: mapreotesi@akingump.com

23
24 Danielle C. Ginty (SBN 261809)
Akin Gump Strauss Hauer & Feld LLP –San
Francisco
25 580 California Street, Suite 1500
San Francisco, CA 94104
26 Telephone: 415.765.9500
27 Facsimile: 415.765.9510
Email: dginty@akingump.com
28

STIPULATION AND ~~PROPOSED~~ ORDER
TO STAY LITIGATION

Attorneys for Defendant
HTC AMERICA, INC.

By: /s/ Timothy T. Wang
Timothy T. Wang
twang@nilawfirm.com

Ni, Wang & Massand, PLLC
8140 Walnut Hill Ln., Ste. 500
Dallas, TX 75231
Telephone: 972.331.4600
Fax: 972.314.0900

Attorneys for Plaintiff
PORTO TECHNOLOGY CO., LTD.

In compliance with Local Rule 5-1(i)(3), I hereby attest that Fred I. Williams and Timothy T. Wang have concurred in the filing of this Stipulation and [Proposed] Order to Stay Litigation.

Dated: May 26, 2016

O'MELVENY & MYERS LLP

By: /s/ David S. Almeling
David S. Almeling

Attorneys for Defendants
SAMSUNG ELECTRONICS AMERICA, INC.,
LG ELECTRONICS MOBILECOMM U.S.A.,
INC., and
MOTOROLA MOBILITY LLC

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2
3
4 Dated: May 26, 2016

5 
6 _____
7 HON. JEFFERY S. WHITE
8 UNITED STATES DISTRICT JUDGE

9 Pursuant to this Court's order dated April 14, 2016, these matters were consolidated with Master File 16-
10 CV-1515 JSW which has now been dismissed. The Court finds these remaining matters related pursuant
11 to Northern District Civil Local Rule 3-12(a), but not consolidated. Hereafter, separate filings in each
12 related case are appropriate. The Court vacates the consolidation order dated April 14, 2016 and reopens
13 cases nos. 16-CV-1427 JSW, 16-CV-1428 JSW, 16-CV-1429 JSW and 16-CV-1510 JSW. These matters
14 are STAYED pursuant to the parties' stipulation.
15
16
17
18
19
20
21
22
23
24
25
26
27
28